

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

SELECT JUDGE BEFORE SELECT Case No.:

Howard

United States of America

v.

Leonard Smith

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Date of Original Judgment: April 13, 2009

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Applicable)

Case No: 5:02-CR-00159-H-003

USM No: 22072-056

Defendant's Attorney Thomas P. McNamara

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____

The amendment is applicable to the defendant; but, due to his status as a career offender, it does not have the effect of lowering the guideline imprisonment range.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated April 13, 2009, shall remain in effect. . IT IS SO ORDERED

Order Date:

11/21/12


 Judge's signature

Effective Date:

(if different from order date)

Malcolm J. Howard, Senior U.S. District Judge

Printed name and title

EDNC Rev. 11/8/2011